

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

1) DAVID PEREZ

2) FRANCISCO RIVERA

Defendants.

CRIMINAL NO. 03CR 10389-PBS

VIOLATION:

Cts. 1 & 2: 18 U.S.C. § 922 (g)(1)

**Felon in Possession of
a Firearm**

Ct. 3: 18 U.S.C. § 922(k)

**Possession of a Firearm with
Obliterated Serial Number**

INDICTMENT

COUNT ONE: (18 U.S.C. § 922(g)(1) -- Felon in Possession of a Firearm)

The Grand Jury charges that:

On or about February 14, 2001, at Lowell, in the District of Massachusetts,

DAVID PEREZ

the defendant herein, having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting commerce firearms,

to wit:

1) a Sundance Industries .25 caliber pistol, serial number 048288; and

2) a Glock model 23, .40 caliber pistol, with an obliterated serial number.

All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO: (18 U.S.C. § 922(g)(1) -- Felon in Possession of a Firearm)

The Grand Jury further charges that:

On or about February 14, 2001, at Lowell, in the District of Massachusetts,

FRANCISCO RIVERA

the defendant herein, having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting commerce firearms, to wit:

- 1) a Sundance Industries .25 caliber pistol, serial number 048288; and
- 2) a Glock model 23, .40 caliber pistol, with an obliterated serial number.

All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT THREE: (18 U.S.C. § 922(g)(1) -- Possession of a Firearm with an Obliterated Serial Number)

The Grand Jury further charges that:

On or about February 14, 2001, at Lowell, in the District of Massachusetts,

FRANCISCO RIVERA

the defendant herein, did knowingly possess a firearm, to wit, a Glock model 23, .40 caliber pistol, from which the manufacturer's serial number had been removed and obliterated, and which firearm had been shipped or transported in interstate commerce.

All in violation of Title 18, United States Code, Section 922(k).

A TRUE BILL

Edward M. Kelly 12/17/03
FOREPERSON OF THE GRAND JURY

Sandra S. Bower
SANDRA S. BOWER
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS

December 17, 2003 *at 3:53 PM*

Returned into the District Court by the Grand Jurors and filed.

Deputy Clerk
Deputy Clerk

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency ATFCity Lowell, MA Related Case Information:County Middlesex Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number MJ-03-M-243-JLA
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name David Perez Juvenile ☐ Yes ☒ NoAlias Name Juan GonzalezAddress 720 S. Dobson Road, Mesa, Arizona 85202Birth date: xx/xx/73 SS#: xxx-xx-8017 Sex: M Race: Hispanic Nationality: USDefense Counsel if known: John W. Laymon Address: 40 Court
Boston, MA 02108

Bar Number: _____

U.S. Attorney Information:AUSA Sandra S. Bower Bar Number if applicable 0787700 (Florida)Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date: November 18, 2003 (in Arizona)☒ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 12-17-03Signature of AUSA: Sandra S. Bower

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant David Perez

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 USC 922(g)(1)</u>	<u>Felon in possession of a firearm</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency ATFCity Lowell, MA Related Case Information:County Middlesex Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number 03M-1147-JGD
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Francisco Rivera Juvenile ☐ Yes ☒ No

Alias Name _____

Address 110 Westford Street, Lowell, MABirth date: xx/xx/78 SS#: xxx-xx-7711 Sex: m Race: Hispanic Nationality: USDefense Counsel if known: Owen Walker Address: Federal Public Defender
408 Atlantic Ave. Boston MA 02110

Bar Number: _____

U.S. Attorney Information:AUSA Sandra S. Bower Bar Number if applicable 0787700 (Florida)Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date: December 5, 2003☒ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 12-17-03 Signature of AUSA: Sandra S Bower

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Francisco Rivera

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 USC 922(g)(1)</u>	<u>Felon in possession of a firearm</u>	<u>2</u>
Set 2	<u>18 USC 922(k)</u>	<u>Poss. of firearm w/ obliterated serial number</u>	<u>3</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____